

FILED  
CLERK, U.S. DISTRICT COURT

2005 JAN 28 A 11:33

BY:   
DEPUTY CLERK

SNELL & WILMER L.L.P.  
Alan L. Sullivan (3152)  
Todd M. Shaughnessy (6651)  
Amy F. Sorenson (8947)  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler (admitted pro hac vice)  
David R. Marriott (7572)  
Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
Telephone: (212) 474-1000

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**STIPULATION RE BRIEFING FOR  
PENDING MOTIONS**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

386

The parties, through their counsel of record, hereby stipulate and jointly move the Court for an Order amending the deadlines for briefing as follows:

IBM's Memorandum in Opposition to SCO's Motion to Compel IBM to Produce Samuel Palmisano for Deposition shall be due on February 11, 2005;

SCO's Reply Memorandum in Support of its Renewed Motion to Compel Discovery shall be due on February 25, 2005; and

SCO's Reply Memorandum in Support of its Motion to Compel IBM to Produce Samuel Palmisano for Deposition shall be due on March 4, 2005.

The parties submit herewith a proposed Order confirming these deadlines.

DATED this 28<sup>th</sup> day of January, 2005.

SNELL & WILMER L.L.P.  
Alan L. Sullivan  
Todd M. Shaughnessy  
Amy F. Sorenson

CRAVATH, SWAINE & MOORE  
Evan R. Chesler  
David R. Marriott

By   
Counsel for Defendant International  
Business Machines Corporation

DATED this 28<sup>th</sup> day of January, 2005.

HATCH, JAMES & DODGE, P.C.  
Brent O. Hatch  
Mark F. James

By   
Counsel for Plaintiff

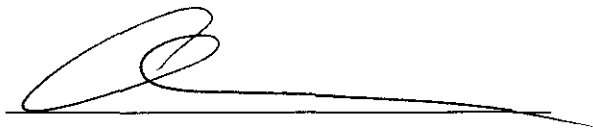
**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of January, 2005, a true and correct copy of the foregoing was and was sent by U.S. Mail, postage prepaid, to the following:

Brent O. Hatch  
Mark F. James  
HATCH, JAMES & DODGE, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101

Stephen N. Zack  
Mark J. Heise  
BOIES, SCHILLER & FLEXNER LLP  
100 Southeast Second Street, Suite 2800  
Miami, Florida 33131

Robert Silver  
Edward Normand  
Sean Eskovitz  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, NY 10504

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'R' shape followed by a long horizontal line extending to the right.